

1 JOHN J. FRENI, ESQ. (Bar No. 132912)
A Professional Law Corporation
2 600 West Broadway, Suite 400
San Diego, CA 92101
3 (619) 557-9128; (619) 515-1197

4 Attorneys for Defendant, MARIO RENCA

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8 **UNITED STATES DISTRICT COURT**
9 **FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

10 AIRLINES REPORTING CORPORATION,

11 Plaintiff/Judgment Creditor,

12 v.

13 COMMERCIAL TRAVEL
CORPORATION d/b/a MATLOCK
TRAVEL, *et al.*,

14 Defendants/Judgment Debtors.

CASE NO. 08-MC-00088

DECLARATION OF JOHN J. FRENI IN
SUPPORT OF DEFENDANT MARIO
RENDAS MOTION TO VACATE
JUDGMENT PURSUANT TO FEDERAL
RULES OF CIVIL PROCEDURE, RULE 60
(b)(4)

Date: July 25, 2008
Time: 10:00 a.m.
Crm.: 1, 4th Floor
Judge: Hon. Irma E. Gonzalez

Judgment: September 4, 2007

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19 I, JOHN J. FRENI, declare:

20 1. I am an attorney licensed and admitted to practice before all state and federal
21 courts in the State of California and counsel for Defendant MARIO RENDA in this action. I
22 am also counsel for Mr. RENDA in a related case pending before the San Diego County
23 Superior Court, styled *Airlines Reporting Corporation v. McCord Consumer Direct, d/b/a A*
24 *Better Airfare*, San Diego County Superior Court Case No. GIC 865200 ("*McCord*").

25 2. In *McCord*, Plaintiff AIRLINES REPORTING CORPORATION domesticated
26 and attempted to enforce a default judgment it obtained against Mr. RENDA in the Circuit
27 Court for Arlington County, Virginia (At law No.: 05-367). On June 13, 2005, a mere three
28 months after the United States District Court for the Eastern District of Virginia dismissed the

1 *Uniglobe* case based on a lack of personal jurisdiction over Mr. RENDA, ARC walked across
2 the street and filed an action against him in the Virginia State Court. As in the case at bar,
3 ARC's allegations against Mr. RENDA in *McCord* were virtually identical to its allegations in
4 *Uniglobe*.

5 3. Mr. RENDA did not appear in *McCord*. ARC obtained its default judgment
6 from the Virginia State Court on September 20, 2005. ARC did not disclose the *Uniglobe*
7 judgment to the Court.

8 4. ARC domesticated its *McCord* default judgment with the San Diego County
9 Superior Court on May 25, 2006. On May 2, 2008, Mr. RENDA brought a motion to vacate
10 the default judgment as void for lack of personal jurisdiction, which ARC opposed. On June
11 26, 2008, the Superior Court granted Mr. RENDA's motion to vacate on the grounds that the
12 default judgment is void for a lack of personal jurisdiction. The Superior Court, per the
13 Honorable Rafeal A. Arreola, found that the Virginia District Court conclusively determined
14 the issue of personal jurisdiction in *Uniglobe*.

15 I declare under penalty of perjury under the laws of the United States of America and
16 the State of California that the foregoing is true and correct and that this declaration was
17 executed in San Diego, California on June 30, 2008.

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19 Dated: June 30, 2008

s/ **JOHN J. FRENI, ESQ.**